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*Of Going to Law.*

A  
**S E R M O N**

PREACHED at the

**A S S I Z E S**

Held at

**W I N C H E S T E R**

By the HONOURABLE

**Mr. Justice P A G E**

A N D

**Mr. Baron C A R T E R,**

*On Thursday, March 6. 1728-9.*

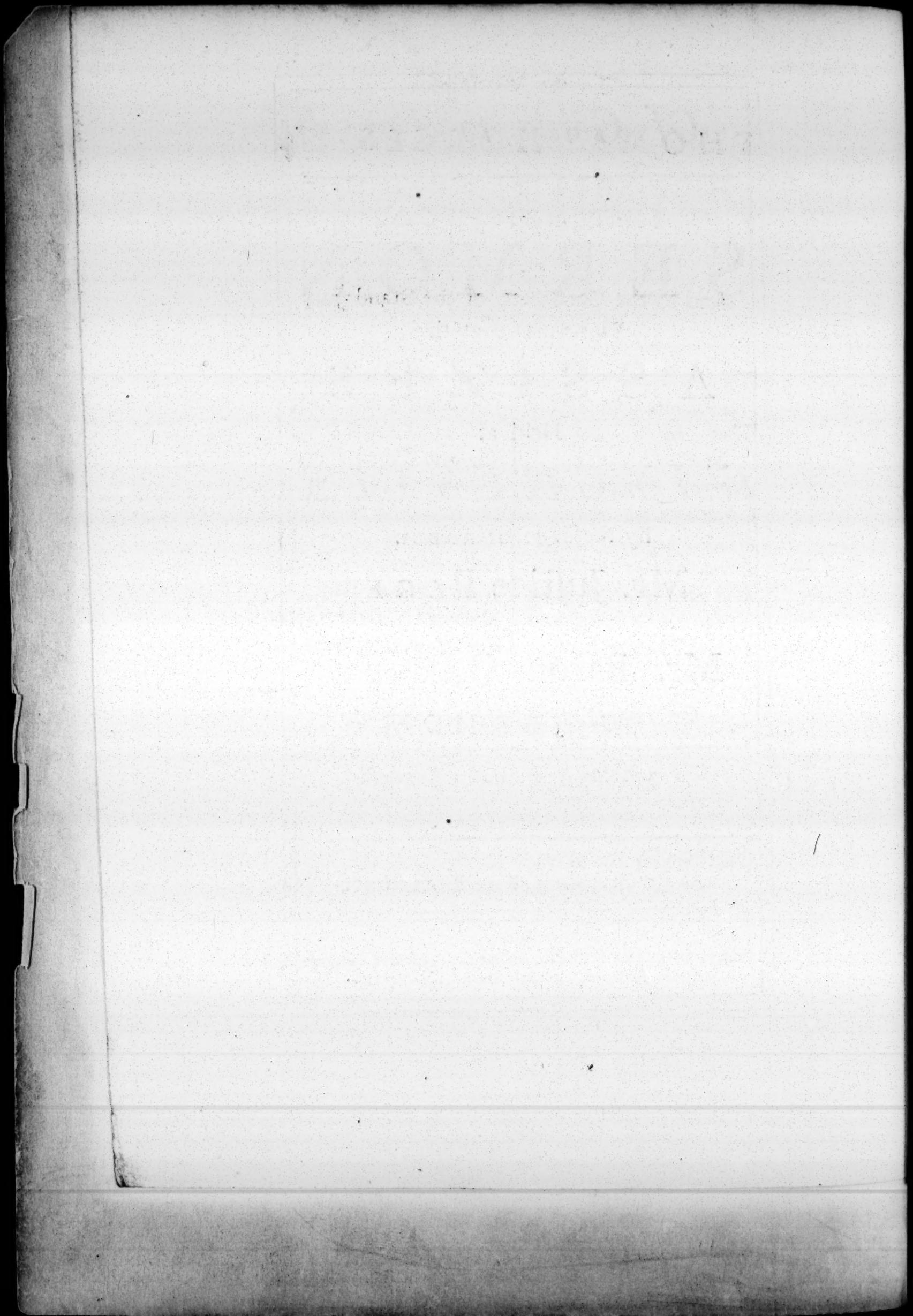
By **T H O M A S F E N T O N**, M. A.

*Rector of Nately-Scures in Hampshire, and sometime  
Student of Christ-Church in Oxford.*

**Published at the Request of the High-Sheriff,  
and the Gentlemen of the Grand-Jury.**

L O N D O N :

Printed for BERNARD LINTOT, at the Cross-Keys, between  
the Temple-Gates, in Fleet Street. M.DCC.XXIX.





To the Worshipful

THOMAS HODGES, *Esq;*  
HIGH-SHERIFF of the County of  
*SOUTHAMPTON;*

And to the Gentlemen of the Grand-Jury  
of the said County :

|                             |                              |
|-----------------------------|------------------------------|
| The Rt. Hon. the Lord       | <i>Henry Penton Esq;</i>     |
| <i>William Powlett.</i>     | <i>John Harwood Esq;</i>     |
| The Hon. <i>Edward</i>      | <i>William Talden Esq;</i>   |
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This S E R M O N,

Published at their Request,

Is humbly Dedicated,

By their most Obedient Servant,

THOMAS FENTON.

To the West

# THOMAS HODGES

## HIGH-SCHOOL

### FOOTBALL

And to the Command of the Grand

William F. Hodges  
The Hon. Edward W. Hodges

William F. Hodges  
The Hon. Edward W. Hodges  
William F. Hodges  
The Hon. Edward W. Hodges

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A N  
ASSIZE-SERMON

PREACHED at  
*WINCHESTER.*

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MATTH. V. 40.

*If any Man will sue thee at the Law, and  
take away thy Coat, let him have thy  
Cloke also.*

**I**T was the Design of our blessed Saviour, in this Part of his most divine Sermon upon the Mount, not only to rescue the great Duty of *Charity* from the corrupt Interpretations of the *Pharisees*, but also to improve, and exalt it, far above the Institutions of *Moses*. The *Pharisees* had restrained the Exercise of this Duty to their familiar Friends and Acquaintances, and excluded their *Enemies*, even all those whom they had any Difference with, or whom they supposed to have any Ill-Will against them, from being the Objects thereof; and they indulg'd themselves in a perfect Hatred and De-

B testation



2      *An ASSIZE-SERMON*

testation against those, who were openly and professedly Adversaries to them. But according to the excellent Morality of the *Gospel*, which our blessed Lord in this Chapter delivers to his Disciples, the very first Seeds of Animosity and Variance are to be eradicated and subdued, and an universal Benevolence and Love to be planted in their stead: \* *Ye have heard*, says He, *that it hath been said, Thou shalt love thy Neighbour, and hate thine Enemy: But I say unto you, Love your Enemies, bless them that curse you, do Good to them that hate you, and pray for them which despitefully use you, and persecute you.* And because the *Law of Retaliation*, which *Moses* had allowed to the *Israelites*, upon the account of the *Hardness of their Hearts*, was scarce reconcilable with such a refin'd Principle of *Charity*, but was commonly too great an Incentive to a Spirit of *Revenge*; he has strictly prohibited us, in case of any Injury offered to us, whether in respect of our *Persons*, our *Reputations*, or our *Properties*, to requite the Aggressor with the like injurious Treatment. As to the *first*, which relates to our *Persons*, † *Ye have heard*, says He, *that it hath been said, An Eye for an Eye, a Tooth for a Tooth: But I say unto you, that ye resist not Evil*; That is, that ye return not Evil for Evil, neither by way of *private* Revenge, nor yet by desiring the *Magistrate*, for the Gratification of your own Malice, to inflict the like Pains upon him who hath vio-

\* *Matth. v. 43, 44.*

† *Matth. v. 38, 39.*

lently



lently assaulted you. As to the *second*, which relates to Indignities and Affronts, by which our *Reputations* may possibly suffer, according to the Punctilio's of Honour *falsly so called*, *Whosoever shall contemptuously smite us on the right Cheek*, we are enjoined, rather than redress our selves by the like insolent Usage towards him, *to turn to him the other also* \*. As to the *third*, namely, an Invasion of our Rights, Possessions, or Properties, *If any Man, says He, will sue thee at the Law, and take away thy Coat, let him have thy Cloke also*; That is, If any one, by a fraudulent Abuse of the Law, shall deprive thee of what is thy own, be content to endure a still further Loss, rather than attempt to recover the former by the like Artifices and Frauds.

But since the Words of my Text may possibly be, and have sometimes in reality been, misunderstood, as if they prohibited all Recourse to the Civil Magistrate, for asserting or defending our respective Properties; it will not, I hope, be altogether unsuitable to the Occasion of this Solemnity, if, in discoursing upon them, I endeavour to shew,

I. That *Christians* are not absolutely forbidden, in Vindication of their Properties, to have recourse to publick Judicatures.

II. How far such a Vindication of their Properties is allowable amongst them. And,

\* *Matth. v. 39.*



III. In what particular respects it is, according to the Principles of their holy Religion, difallowable and sinful.

*First* then, I am to shew, That *Christians* are not absolutely forbidden, in Vindication of their Properties, to have Recourse to publick Judicatures.

Severe would be the Dispensation of the Gospel, and grievous the Yoke of *Christianity*, were the Injunction in the Text to be strictly, and literally understood; were no Appeals to be made to the Civil Powers, when our temporal Rights and Possessions are treacherously invaded, or unjustly detained from us. This would be to overturn all Property amongst Men, and to throw the World into infinite and intolerable Disorders. For it is not to be expected, in this lapsed Condition of our Nature, that every one should be equally disposed to the Observance of Justice and Integrity; that the Righteous should always live securely and unmolestedly, in the Enjoyment of the Blessings which God hath afforded them for the Sustenance and Convenience of Life; or that the Wicked should entirely cease from disturbing the Harmony of Society, without a more forcible Motive than a Principle of Conscience, to restrain them from doing Wrong. Were they suffered to pursue their ambitious Designs uncontrouledly, were their deceitful Arts of heaping up Riches to meet with no Animadversions in This World, it is but too visible, that the Apprehensions of the strict Account which they must



must give of their Behaviour in the Next, would have but little Influence over them. They would soon proceed, from the cover'd and insidious Machinations of Injustice, to more open and barefac'd Acts of Oppression; and from *keeping back by Fraud the Hire of the Labourers, which have reaped down their Fields\**, they would presently become bold enough to *remove Land-marks, and violently to take away Flocks, and feed thereof†*.

And therefore *Magistracy* is absolutely necessary, to secure to us our *Properties*, as well as to protect our *Persons*. Without such a Defence, without the Assistance of *Legislators* to guard and circumscribe our several Possessions, and without a due Execution of the Laws against the Invaders of them, this World would be no better than a Wilderness of savage Beasts, and Life itself would to Good Men be a continual Burthen.

It was therefore, as for other excellent Ends, so particularly for these, that Government was instituted by *God* himself, who is *the Author of Peace, and not of Confusion*, in all human Societies, as well as *in all Churches of the Saints‡*; who is the original Fountain of *all Rule, and of all Authority and Power*. As the *Lord* appointed *Moses* to be the Governour and Conductor of his People *Israel*, so He delegated a considerable Part of his Office to subordinate Judges and Magistrates, whom

\* *James* v. 4.    † *Job* xxiv. 2.    ‡ *1 Cor.* xiv. 33.



6 *An ASSIZE-SERMON*

\* *he charged, saying, Hear the Causes between your Brethren, and judge righteously between every Man and his Brother, and the Stranger that is with him; And at the same time he assured them, that the Judgement which they should pronounce, was God's.*

And lest we should think, that it was unlawful, under the *Christian* Dispensation, thus to appeal to the *Magistrate*, in Matters of Controversy between Man and Man; *St. Paul* declares, that *He is the Minister of God for Good*†; That is, for the Benefit and Advantage, not only of *private* Persons, but of *Society* in general; to the Peace and Prosperity of which, the securing to every Man his *Property* doth greatly conduce.

And thus all *Magistracy*, even that amongst the *Heathens*, must be acknowledged to have been the Ordinance of God, and the Effect of his governing Providence; since, even after the Promulgation of the *Gospel*, the same Apostle tells the *Romans*, that *the Powers that be*, or the Powers which were then in Being amongst them, *were ordained of God*‡. They were *ordained*, that by all proper Methods of distributing Justice and Equity, they might preserve due Order in the World, and promote the Welfare of Communities. And therefore, when that Order is perverted, when an Invasion is made upon Mens temporal Rights, or an Encroachment upon the Privileges of particular Persons,

\* *Deut. i. 16, 17.*    † *Rom. xiii. 4.*    ‡ *Rom. xiii. 1.*

who



who are the constituent Parts of those Communities; what was said with respect to the Injury, which St. *Paul* was supposed to have done to the Occupation of *Demetrius* and his Craftsmen, may, in general, be applied to all Controversies concerning Mens Properties, *If they have a Matter against any Man, the Law is open; let them implead one another*\*.

And that thus to redress the Wrongs which we shall sustain in our Goods or Possessions, by asserting them according to the Methods of Civil Judicatures, is not to derogate from the pure Institutions of *Christianity*, will further appear, if we reflect, that the great *Author and Finisher* of it made no Alteration in temporal Governments and States, nor prescrib'd any Rules to Princes and Magistrates for the Administration of Political Affairs; that his Kingdom was of a *Spiritual* Nature, and did not at all interfere with the *Secular* Powers; that he taught the Nation of the *Jews*, that they must *render unto Caesar the Things which were Caesar's*†, and consequently, that as, on the one hand, they owed *Obedience* to him, so, on the other, that in all the Grievances and Oppressions brought upon them by their Fellow-Subjects, they might justly lay claim to *Protection* from him.

The Words then in the Text are not to be understood in an *absolute*, but only in a *comparative* Sense; as implying, that, in the Case

\* *Acts* xix. 38.

† *Matth.* xxii. 21.



of judicial Proceedings, we must patiently submit to the Greatest Injustice, nay, and to repeated Instances of it, (which by the Corruption or Perversion of the *Law* we may possibly sustain,) rather than, by way of Retaliation, offer the Least; that we must resignedly quit the common Necessaries of Life, such as is the Raiment wherewith we are clothed, should it by the means of a perjur'd Testimony, or a partial Verdict, be required of us; rather than endeavour to redeem it by the like Methods of Iniquity, or, by any other wrongful Prosecution of the Aggressor, to redress the Wrongs he has done us.

Very vain therefore were the Notions of those wild Enthusiasts, the *Anabaptists*, who, at their first Rise, would have pretended to exalt the Kingdom of *Christ*, by making the Courts of human Judicature, for deciding the Differences between *Christians*, to be not only needless, but incompatible with the Covenant of Grace and Peace; as if under the Influences of so pure a Religion, they were not to claim any distinct Properties, but were undisturbedly to enjoy the good Things of this World in common! as if the original Corruption of Man's Nature were, under the Gospel-Dispensation, so entirely purified and refined, that there was no further Occasion for the Institution of *Magistracy*, to restrain the oppressive Encroachments of any *Evil-Doers*, or to protect and encourage *them that do well*\*.

\* 1 Pet. ii. 14.

But



But here it may likewise be objected, in Opposition to the Allowableness of Law-Suits amongst *Christians*, that *St. Paul* seems Absolutely and Universally to condemn them, when he thus addresses himself to his *Corinthian* Converts: *There is utterly a Fault amongst you, because ye go to Law one with another: Why do ye not rather take Wrong? why do ye not rather suffer yourselves to be defrauded \*?* To which I answer, 1. That the Disputes amongst those primitive Believers, related only to small and inconsiderable Matters, such as might easily have been accommodated by an Arbitration amongst themselves; as appears from what he says at the third Verse of that Chapter, *Are Ye unworthy to judge of the smallest Matters?* 2. That, as he likewise intimates in the first and sixth Verses, it gave too great a Scandal to the *Christian* Religion, to bring such trivial Causes before the Judicatories of *Unbelievers*. 3. That in Greater, and more Important Concerns, he thought it to be no Prejudice to the Purity of the Gospel, if he himself *appealed unto Caesar* †. And therefore, that notwithstanding this Objection, what the same Apostle says of the *Levitical* Law, is applicable to all legal Proceedings, *We know that the Law is good, if a Man use it lawfully* ‡.

\* 1 Cor. vi. 7.

† Acts xxv. 11.

‡ 1 Tim. i. 8.

C

And

And therefore I come now to consider,  
 II. How far such Proceedings, in Vindication of their Properties, are allowable amongst *Christians*.

The original Foundation, as of all human Laws, so of all Appeals to those Laws, should be *Justice*. We should first not only *consider* duly within ourselves, but also take prudent *Advice*, whether the Cause we engage in is perfectly agreeable to the Principles of uncorrupted Reason, and consistent with the equitable Rules of our holy Religion, before we have recourse to the Seats of Judgement; whether it be to recover what we suppose to belong to us, or to defend what we are already possessed of: That so in this, as well as in all other Actions of Life, we may imitate the upright Example of *St. Paul*, who, as he says in his Vindication of himself before *Felix* the Governour, *herein exercised himself, to have always a Conscience void of Offence, toward God, and toward Men*\*.

And yet surely it cannot be deem'd a Violation of that Duty towards God, nor give any just and reasonable Offence to considerate Men, if even in *dubious* Matters, upon a strong Presumption of the Righteousness of our Cause, we appeal to publick Tribunals, when it is im-

\* *Acts* xxiv. 16.

possible,



possible, in a more private Manner, by an amicable Reference, to discover the latent Truth; when *an Oath for the Confirmation* of what is presumed, is necessary to put *an End to all Strife* \*; and when a Reverence for that *Oath*, and the Solemnity of a Court of Judicature, may probably extort from men that conscientious Testimony, which otherwise they would at least be unwilling, if not afraid to declare.

But still, as *Justice*, or at least *apparent Justice*, must in all such Proceedings be the Foundation, so *Peaceableness* and *Charity* must be the Superstructures. As it is one great End of the Judicial Authority, by assigning to every one his own to preserve the Harmony and Peace of Society; so that Authority should be recurr'd to as a proper Means to *extinguish*, and not to *inflame*, Mens Differences and Debates. And the *Christian* Religion obliges us, under all the Infringements of our Rights, or Invasions of our Properties, tho' we are allowed to apply ourselves to the Civil Magistrate for Redress, yet still to *follow Peace with all Men* †; and whatever Provocations we may meet with from an injurious Adversary, still to have a charitable Disposition towards his Person, how justly soever we may detest his Practices.

It is further to be observed, that in all judicial Cases, the Matter in Dispute should be

\* *Heb.* vi. 16.

† *Heb.* xii. 14.



something of great Moment and Importance to us. For *what Manner of Spirit must He be of*, (surely he has nothing of the Spirit of *Christianity*, or of the Temper which the *Gospel* requires,) who, upon every trifling Occasion, will presently involve his Neighbour and Himself in a hazardous and vexatious Suit? who obstinately insists upon a legal Satisfaction for such inconsiderable Wrongs, as, according to the Precepts of the Religion which he would seem to profess, he was strictly obliged to pass by? or which, in pursuance of the Dictates of common Humanity, might have been easily adjusted betwixt Themselves? And therefore it is to such *lesser* Grievances, that the Words of my Text, as well as those of St. *Paul* to the *Corinthians* before-mentioned\*, are by Expositors generally referr'd.

And yet here it is to be consider'd, that even those *lesser* Grievances may, with regard to the infinite Diversity of Mens Conditions and Circumstances, be very different from what upon a transient View they may appear; and that what was small in itself, may in its Consequences be of much greater Importance. It would be but a very tolerable Damage to Him, who, whenever he pleases, may deck himself with Variety of *Purple and fine Linnen*, and *fare sumptuously* and delicately, to have a *Coat* or a *Cloak* taken from him, thro' the Iniquity

\* 1 Cor. vi. 7.



of a Prosecutor, and under the Pretence of *Law*: but such a Loss would be very afflictive to Another, who labours under the Inconveniences of an indigent State, and is scarce able to procure for himself *what he shall eat, or what he shall drink, or wherewithal he shall be clothed*. And even He who enjoys an Affluence of the good Things of this Life for Himself, may still find nothing superfluous, when he considers that he has numerous Relatives and Dependents, who are to be supported according to the Character which he bears, or to the Station which he adorns: And therefore, in this Case, he would be injurious to Others, as well as to Himself, should he unmovedly suffer *the Extortioner to consume what he hath*: And should he not, by all equitable and prudential Methods, *provide for his own, and specially for those of his own House*, St. Paul declares him to have *denied the Faith, and to be worse than an Infidel*\*.

He may also be entrusted with the Concerns of the *Widow*, whose Substance, however narrow and mean, is yet very considerable to Her, and which, without such a friendly and powerful Advocate, might easily be devoured by the Oppressor. And he is always indispensably obliged, in Imitation of the good Providence of God, to *help the Fatherless and Poor unto their Right*, and, as far as his Abilities

\* 1 Tim. v. 8.

extend,



extend, to take effectual Care, *that the Man* of the Earth, the fordid and rapacious Worldling, *be no more exalted against them*\*.

And here, I hope, it will not be thought improper, or unsuitable to the present Subject, to apologize for the inferior *Clergy* of this Land. They are often traduced by unreasonable Men, as if they were too rigorous in insisting upon what They falsely call *inconsiderable Trifles*; as if they were too tenacious of the Patrimony of the Church, and too contentious when they are deprived of the least Portion thereof; And their Appeals to the Civil Magistrate, in Vindication of their Rights, are frequently represented as unbecoming the Sanctity of their Profession, and prejudicial to the Interests of Religion. But do They who make these Objections, really believe Themselves? Do they not know, that to yield up any Part of the small Revenues, which the Providence of God, and the Wisdom of the Legislature, have still continued to the *Clergy*, might at length be, in Effect, to surrender them all? that *Custom* or *Exemption* might afterwards be pleaded, for still further Encroachments upon their peculiar Inheritance, till by little and little it would be entirely swallowed up? that to suffer such sacrilegious Invasions upon it, would be an irreparable Injury to their Successors, as well as an imme-

\* *Psalms* x. 20.



diate Damage to Themselves and their Families? and that they are but *Usufructuarii*, that they are but *entrusted* with those Rights, for the Benefit of the Church in all future Generations, and for the Honour of the great Founder of it, the Lord *Jesus Christ*? And therefore, the Pretences of those Men, how specious soever, must proceed from an immoderate Love of Themselves, and of the Things of this World; and at the same time from an Indifference at least, if not from a total Disregard to *Christianity*: and consequently, from an insolent Contempt of the Preachers thereof; of whom our blessed Saviour thus expressly declares, *He that receiveth You, receiveth Me\**; and *He that despiseth You, despiseth Me†*.

But upon all such Occasions it must be acknowledged, that those excellent Virtues of *Peaceableness* and *Charity*, as well as of *Justice* and *Integrity*, it is still more especially incumbent upon the Ministers of the *Gospel of Peace*, both by their Discourses to recommend, and by their Examples to adorn.

Having thus consider'd, How far a Vindication of their Properties, by having recourse to publick Judicatures, is allowable amongst *Christians*; I proceed now to shew,

III. In what particular respects such a Vindication of their Properties is, according to

\* *Matth. x. 40.*

† *Luke x. 16.*



the Principles of their holy Religion, disallowable and sinful.

It is the obvious Rule of our Conduct, as in all the various Occurrences of a Social Life, so particularly in the Case before us, That *whatsoever We would that Men should do unto Us, even so should We*, in the like Circumstances, *do unto Them*\*. This is the manifest Dictate of undepraved Reason, as well as the awful Voice of the *Law*, of those Statutes and Ordinances which God gave to his peculiar People the *Jews*, and of the genuine Interpretations of them, which he deliver'd by his Messengers, the *Prophets*. And this Rule is still more strongly recommended and enforc'd by the Authority of our blessed Saviour, and by Virtue of that *new Commandment* which he hath inculcated in the *Gospel*, That *as He loved Us, so should We love one another* †. And yet such is the unhappy Bias of Men's corrupt Inclinations, that they are frequently disposed, instead of *loving*, to take all Occasions of molesting one another; and whilst they offend against this equitable Rule, to transgress also the Precept of my Text, by proceeding one against another in a judicial Way, in order to gratify either a *covetous*, or else a *litigious*, or else, finally, a *vengeful* Temper. It is principally, if not solely,

\* *Matth.* vi. 12.

† *John* xiii. 34.



in these three respects, that a Vindication of our Properties, by having recourse to publick Judicatures, is, according to the Principles of our holy Religion, disallowable and sinful.

And 1. Such a Vindication of our Properties is, upon *Christian* Principles, disallowable and sinful, when the Motive inducing us to it, is a *covetous* Temper. It is the inordinate \* *Love of Money*, which is commonly the *Root*, the diffusive and pernicious *Root*, as of other manifold *Evils*, so particularly of vexatious Prosecutions. It is this *Mammon of Unrighteousness*, which makes Men curiously observant of every accidental Defect in the Forms of Law, that thereby they may promote their own selfish Designs. It is This that incites them to take the utmost Advantage of every little *Mistake*, which may possibly invalidate their Neighbour's Title to his Possessions, and be a Means of transferring them to Themselves. And it is with this View of still advancing their own sordid Interests, that, trusting to the Superiority of their Power, and to the Affluence of their present Wealth, they eagerly embrace all Opportunities, under the Colour of *Justice*, to harass and oppress their Inferiors, who have no such *goodly Heritage* to support them, and whose *Lot is not fallen in so fair a Ground*.

\* 1 Tim. vi. 10.



From hence it is, that the Principle of pursuing that which is *profitable*, by degrees subverts and destroys that which is *honest*; that the Notions of Equity, and the Suggestions of Conscience, are at length abandoned; and that the Covetous are insensibly betrayed from one Wickedness to another, till at last they will not scruple, when other indirect Means shall fail them, to make use of the corrupt Attestations of Men destitute of all Sense of Religion, that thereby they may support the wrongest Cause. And herein is verified the Observation of the Apostle, That *they that will be rich, fall into Temptation, and a Snare, and into many foolish and hurtful Lusts, which drown Men in Destruction and Perdition* \*.

It is indeed difficult to the last degree, if not morally impossible, to *love our Neighbour as ourselves*, and to set no more than a due Value upon the good Things of this World, whilst for every inconsiderable Interest we are ready to *sue him at the Law*: And it is no less difficult, when once the Desire of Riches has taken a wrong Bias, and prompted us, for the Sake of *filthy Lucre*, to transgress the Bounds of Justice and Integrity, of Sincerity and Christian Charity, not to deviate still further from the right Way, and to incline still more to the Paths of Iniquity.

\* 1 Tim. vi. 9.



It is therefore of infinite Concernment to those, who are thus engag'd in the avaricious Methods of heaping up Wealth, betimes to recall themselves, if possible, from the Errour of their Ways, and to make immediate *Restitution and Satisfaction, according to the utmost of their Powers, for the Injuries* thereby done to their Brethren: That so they may no longer lie under the Terrour of that *Wo*, which the Prophet *Habakkuk* denounces against them: *Wo unto him that coveteth an evil Covetousness to his House, that he may set his Nest on high, that he may be delivered from the Power of Evil\**. And again, *Shall not all these, even all the People whom he hath injured, take up a Parable against him, and a taunting Proverb against him, and say, Wo to him that increaseth that which is not his; how long? and to him that ladeth himself with thick Clay†*.

But 2. A Vindication of our Properties, by having recourse to publick Judicatures, is, according to the Principles of our holy Religion, disallowable and sinful, when it is commenced to gratify a *litigious* Temper. By which I understand, that perverse Disposition of Mind, which is vehemently bent to disturb the Quiet of one's Neighbour, upon the least Shadow or Pretence of an Injury sustained. It has its Rise from that Malignity of Spirit, which our Language has significantly stigmatiz'd by the Name

\* *Hab. ii. 9.*

† *Hab. ii. 6.*



of *Ill-Nature*. A Person of this Character takes a singular Delight in Mischief, and makes it the peculiar Business and Study of his Life, to find Occasions of exerting and displaying his Malevolence. His chief Design is to make himself *terrible*, and not *sociable*, to those who are Members of the same Community, and profess the same Faith. He lays hold of every Handle, which the *Summum Jus*, the strict Letter of the Law, may possibly afford him, without any Regard to the candid Interpretations of a *Christian*; and whilst he would seem to redress some slight Injustice, he does in reality commit the greatest.

*The Beginning of Strife*, says Solomon, is *as when one letteth out Waters\**; which when they have once too precipitately broke through their proper Mounds, may cause such an Inundation, as could not perhaps be expected or foreseen. And thus a *litigious* Temper may soon involve a whole Neighbourhood in irreconcilable Feuds, if not more extensively communicate the Effects of its Guilt. It may possibly produce in Societies such an Habit of Wrangling and Contention, as may diffuse itself to far distant Times, and perpetuate Differences and Debates.

To keep up this Spirit of Animosity, there are never wanting such Incendiaries, as are ready to add fresh Fuel thereto, and to blow

\* *Pro. vii. 14.*



the least kindling Spark into a vehement Flame ; such as gladly become the Agents and Instruments for carrying on a vexatious Cause, and scruple not to protract it by all the unchristian Methods of Subtlety and Hypocrisy, of Treachery and Deceit ; such as are not ashamed to accumulate to themselves Riches, not by redressing Mens Rights, but by throwing them into Confusion.

It were indeed much to be wished, that this were only an imaginary Character ; that there were not to be found a Wretch thus base of Mind, thus devoid of Humanity, and whose *Conscience* is thus *seared with a hot Iron*\* : And yet it is as much to be feared, that there are numerous Instances of such Men, as are regardless of the Denunciation of God, against those who *pervert the Judgment of the Stranger, the Fatherless, and the Widow*†.

It may perhaps, in a corrupt and degenerate Age, be look'd upon as an Argument of no small *Wisdom*, to be thus skilful in eluding the good Orders which our Legislators have prescribed, for securing the Tranquillity and Peace of the Publick ; to be thus expert in causing those Laws, which were design'd to ascertain Mens Rights, to become the Means of perplexing and confounding them : But if we view it in the Light which our holy Religion affords us, it will appear to be only that *Wisdom*,

\* 1 Tim. iv. 2.

† Deut. xxvii. 19.



which is *earthly, sensual, devilish*; to be but the infamous Product of *bitter Envy and Strife*; and to be widely different from the *true Wisdom*, from that *which is from above*, which is *first pure, then peaceable, gentle, easy to be entreated, full of Mercy and good Fruits, without Partiality, and without Hypocrisy* \*.

It is therefore by the Rules of this heavenly Wisdom, and not by the Measures of worldly Policy, nor by the Obliquity of a litigious Temper, that Men should regulate themselves in their Appeals to human Laws. And whenever there is really a Necessity for having recourse to those Laws, for preserving or recovering what is rightfully and conscientiously their own, they should thoroughly subdue that vicious Principle of Malevolence and Ill-Nature, which will make their legal Proceedings, however just in Themselves, yet in their Consequences to become exceedingly sinful.

Finally, A Vindication of our Properties, by having recourse to publick Judicatures, is, according to the Principles of our holy Religion, disallowable and sinful, when it is undertaken to satisfy a *vengeful* Temper. This is what the Words of my Text more especially and directly point at, as referring to that general Prohibition in the preceding Verse, which re-

\* James i. 17.



lates to this particular Instance of our *Properties* being invaded, as well as to those of our *Persons* being assaulted, or our *Reputations* blemished; in all which Cases we are equally forbidden, ἀντισηναί τῷ πονηρῷ, to render to the evil or injurious Aggressor, according to the Evil which he hath done us; and that, because such a Retaliation, such a Retortion of Injuries received, must necessarily proceed from a Spirit of *Revenge*, which is utterly inconsistent with that *Humility* and *Meekness*, with that *Mercy* and *Peaceableness*, which our blessed Lord had before recommended, as the distinguishing Excellencies of our *Christian* Profession.

And in this the *litigious* differs from the *vengeful* Person, as consider'd in the Case before us: The *former* is always studious, upon little or no Occasions, to find a Pretext for vexatious Law-suits; the *latter* is already provoked by some considerable Damage, either real or supposed, which has been brought upon him by an unjust Prosecution, and is therefore obstinately resolved to repair it, if possible, by the like Methods of Injustice. The *former* is generally, at the Beginning at least, more cautious and deliberate, and more disguis'd in his Machinations of Mischief; the *latter* is more turbulent and tumultuous, and more apt to *glory in his Shame* \*. The *former* is as the

\* Phil. iii. 19.



*Pestilence that walketh in Darkness; the latter is as the Sickness that destroyeth in the Noon-Day* \*.

To be thus violent in returning the Injuries, which the Revengeful may possibly have sustained, he looks upon as the sure Indication of a true Magnanimity; and with a *Christian* Patience to pass them by, he esteems as the certain Argument of a mean and groveling Soul: Tho' the wisest of Men assures him, that *He that is slow to Wrath, is better than the Mighty, and he that ruleth his Spirit, than he that taketh a City* †; And tho' God himself thus solemnly declares, *Vengeance is mine; I will repay, saith the Lord* ‡.

When therefore he avengeth himself, not only by way of *private* Retaliation, which is utterly unlawful, but also by prosecuting his malicious Adversary, even in his Appeals to the publick *Magistrate*, after the like injurious Manner; when he thus assumes to himself a Right of punishing Men, as it seemeth good to him in his own Eyes; he invades the Prerogative of that God, *to whom Vengeance belongeth* \*\*; of that God, who represents himself as *a jealous God* ††; of that God, who will one Day, notwithstanding the artificial Colourings which shall have varnish'd an unrighteous Cause, make a full Discrimination between the Just and the Unjust.

\* *Psalms* xci. 6.      † *Prov.* xvi. 32.      ‡ *Rom.* xii. 19.  
 \*\* *Psalms* xciv. 1.      †† *Exod.* xx. 5.

And



And yet, even in This World, the Effects of God's Vengeance continually threaten the Revengeful, when it is his utmost Ambition to do his offending Brother all the Injuries, which under the specious Pretence of *Law* he can possibly inflict upon him; when, to satiate the Rancour of his Heart, he will hesitate at no irregular Means which may compass his Overthrow; and when, for this End, he, (still more resolutely, than is usual in the two preceding Instances, of a *covetous*, and of a *litigious* Temper,) has recourse to Subornation of Witnesses, and to direct Perjury. But this indeed is the Way to draw down the Judgments of God, not only upon particular Persons, but upon that Nation in general, which is frequently polluted by such enormous Guilt. For thus saith the *Lord* concerning his People *Israel*, \* *The Lord hath a Controversy with the Inhabitants of the Land, because there is no Truth, nor Mercy: By Swearing and Lying they break out: Therefore shall the Land mourn, and every one that dwelleth therein shall languish.*

And now, if such be the Mischiefs which may possibly accrue to Society, from an *avaricious*, from a *contentious*, or from an *implacable* Temper; how joyfully may a Nation or People congratulate themselves, when they see

\* *Hosea* iv. 1, 2, 3.



such Magistrates presiding over the Administrations of Justice, as *Moses* was commanded to provide for the *Israelites*, *able Men, such as fear God, Men of Truth, hating Covetousness* \*? such as will effectually discountenance the Proceedings of the Wrong-Doer, and afford all proper Relief and Encouragement to the Injur'd and Oppress'd? such as can say with the perfect and upright *Job*, † *I put on Righteousness, and it clothed me; my Judgment was as a Robe, and a Diadem: I was a Father to the Poor, and the Cause which I knew not, I searched out: I brake the Jaws of the Oppressor, and plucked the Spoil out of his Teeth?*

To conclude, Let those who are justly and necessarily engag'd in a legal Vindication of their Properties, consider how strictly they are obliged, to carry it on by peaceable and equitable Methods; and whilst they are either Prosecutors or Defendants, let them still remember that they are *Christians*. Let the Covetous, the Litigious, and the Revengeful, seriously reflect, that tho' human Laws may possibly be abus'd or eluded, yet ‡ *all Things are naked, and opened, unto the Eyes of that God, with whom they have to do*; that his temporal Judgments are particularly denounc'd against the Unjust, the Implacable, and the

\* *Exod.* xviii. 21.    † *Job* xxix. 14, 16, 17.    ‡ *Heb.* iv. 13.



Unmerciful, and will severely punish the Wrongs they have done, either in Themselves, or in their Posterities, even in *the Children which are yet unborn*; however, that still there is a Day, a decisive Day, in which he will \* *render unto every Man according to his Deeds: To them who by patient Continuance in Well-doing, in the Practice of those Christian Graces of Benignity, Brotherly-Kindness, and Forgiveness of Injuries, seek for Glory, and Honour, and Immortality; eternal Life: But unto them that are uncharitable, contentious, and malicious, unto them that do not obey the Truth, but obey Unrighteousness; Indignation and Wrath; Tribulation and Anguish upon every Soul of Man that doeth Evil.*

From which tremendous Judgment *God* of his infinite Mercy deliver us all, for the Sake of his well-beloved Son *Jesus Christ*, to whom, with the *Holy Ghost*, Three Persons, and One God, be ascribed, as is most due, all Honour and Praise, Might, Majesty and Dominion, both now and for ever. *Amen.*

\* Rom. ii. 6, & seqq.

F I N I S.

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